

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on November 13, 2006, and the references cited therewith.

Claims 1-3 and 5-34 are pending in the present application. Claims 1, 5, 8, 12, 16, 18-25, and 27-29 have been amended. No new matter has been added. Favorable reconsideration and allowance of the pending claims are respectfully requested.

### **Claim Objections**

Claims 19, 20, 22, and 24 have been amended to overcome the objection noted by the Examiner. Accordingly, reconsideration and withdrawal of the claim objections are respectfully requested.

### **Claim Rejections – 35 USC §103**

Claims 1, 5, 8, 11-12, 15, 18, 20-21, 23, 25 and 29-32 were rejected under 35 USC § 103(a) as being unpatentable over Tazaki (US 6,765,872) in view of Kobayashi (US 6,898,641).

Claims 2, 3, 6, 7, 9, 10, 13, 14, 16, 17, 19, 22, 24, 26, 28, 33, and 34 were rejected under 35 USC § 103(a) as being unpatentable over Tazaki (US 6,765,872) in view of Kobayashi (US 6,898,641) further in view of Oguchi et al. (US 6,625,658). Applicants respectfully traverse this rejection.

Claim 27 was rejected under 35 USC § 103(a) as being unpatentable over Kobayashi (US 6,898,641) further in view of Oguchi et al. (US 6,625,658).

Applicants respectfully traverse these rejections. In particular, while Applicants disagree with the grounds of rejection in the Office Action, the independent claims have been amended to recite features which further distinguish the claims over the cited references. Applicant submits that none of the cited references including Tazaki, Kobayashi, and Oguchi, whether taken alone or in combination, teaches or suggests the features recited in amended independent claims 1, 5, 8, 12, 16, 18, 21, 23, 25, 27, and 29.

According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify

the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *See* MPEP 706.02(j). Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See e.g.*, MPEP § 2143.03.

As set forth in the Office Action, for example, Tazaki admittedly fails to teach or suggest sending a packet to an advanced routing server. Furthermore, in the Office Action, Oguchi et al. is relied upon for a teaching related to a virtual connection and does not teach or suggest performing advanced routing and/or network services.

The portions of Kobayashi cited by the Office Action to disclose sending a packet to a hosted advanced routing server teach the following:

Since with the conventional RSVP the reservation of network resources is made in accordance with the flow between the end users (e.g., between the server 300 and the client terminal 210), the RSVP process corresponding to the edge router 100 includes an operation of transferring the path message or reservation message. However, in this embodiment, the edge router 100 performs the operation of generating a new path message or reservation message, when a specific packet is entered. The edge router 100 performs the operation of passing a path message or a reservation message to the intermediate router 130 at the next stage, like the normal router as conventionally utilized, when the path message or reservation message is sent from the client terminal 210. (col. 13, lines 39-52).

At first, one edge router 100 generates a path message, and sends this path message to the other edge router 110, notifying through which path the specific IP packets subsequently arising are to be transmitted. This path message contains the traffic characteristic such as transmission rate (communication band) of packet. If this path message is received, the other edge router 110 generates a reservation message containing a demanded quality of service (communication band), and sends back this reservation message to one edge router 100. In the intermediate router 130 and the edge router 100 that have received this reservation message, the communication band is reserved based on the content of an RSVP object contained in this reservation message. In this way, the communication band in the unidirectional path from one edge

router 100 via the intermediate router 130 to the other edge router 110 is reserved. (col. 14, lines 5-20).

From the above, it is clear that the server 300 described in Kobayashi is an end user or destination of the packet. Applicants submit that amended independent claims recite elements which distinguish the claims from the server 300 described in Kobayashi whether alone or in combination with Tazaki and/or Oguchi. As such, even if the cited references could be combined, which Applicants do not admit, such combination would still fail to teach or suggest all of the features of amended independent claims 1, 5, 8, 12, 16, 18, 21, 23, 25, 27, and 29. Therefore, the cited references, whether alone or in combination, are insufficient to establish a *prima facie* case of obviousness with respect to amended independent claims 1, 5, 8, 12, 16, 18, 21, 23, 25, 27, and 29. Accordingly, Applicant requests reconsideration and withdrawal of the § 103(a) rejections.


For at least the above reasons, Applicant submits that claims 1-3 and 5-34 recite novel features not shown by the cited references. Furthermore, Applicant submits that claims 1-3 and 5-34 are non-obvious and represent patentable subject matter in view of the cited references, whether taken alone or in combination. Accordingly, Applicant submits that the claims 1-3 and 5-34 are not anticipated nor rendered obvious in view of the cited references. Moreover, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-3 and 5-34 are in allowable form. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17.

Respectfully submitted,

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Under 37 CFR 1.34(a)

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